

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 2004

WEDNESDAY, APRIL 30, 2003

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Mike DeWine (chairman) presiding.
Present: Senator DeWine.

DISTRICT OF COLUMBIA COURTS

STATEMENTS OF:

ANNICE M. WAGNER, CHAIR, JOINT COMMITTEE ON JUDICIAL ADMINISTRATION IN THE DISTRICT OF COLUMBIA
DOUG NELSON, DIRECTOR, PROPERTY DEVELOPMENT DIVISION, PUBLIC BUILDINGS SERVICE, NATIONAL CAPITAL REGION, GENERAL SERVICES ADMINISTRATION

ACCOMPANIED BY:

RUFUS KING III, CHIEF JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA, AND MEMBER, JOINT COMMITTEE ON JUDICIAL ADMINISTRATION IN THE DISTRICT OF COLUMBIA
ANNE WICKS, EXECUTIVE OFFICER, D.C. COURTS AND SECRETARY, JOINT COMMITTEE ON JUDICIAL ADMINISTRATION IN THE DISTRICT OF COLUMBIA

OPENING STATEMENT OF SENATOR MIKE DEWINE

Senator DEWINE. Good morning. This hearing will come to order. Today we are convening a second hearing regarding the fiscal year 2004 budget for the District of Columbia Courts. At our first hearing last month, there was some confusion as to capital funds required for fiscal year 2004.

My understanding is that since that hearing the courts have worked closely with GSA to determine their actual capital requirements for the next 2 years. According to the court's written testimony, \$244.8 million is being requested for fiscal year 2004. This is an increase of \$38.5 million above the fiscal year 2003 enacted budget, and \$36.6 million more than the President's budget request.

We would like to hear the witnesses today as to how they plan to use these additional resources and how this increase would work, including the success of the Family Court, as well as the operations of the Superior Court. We are also interested to learn how the court's facilities plan will be implemented in a time line for completion of these important capital projects.

These capital projects will play a key role in providing a safe family friendly environment as is required by the Family Court Act.

Today our GSA witness will describe the important role his agency will have as a project manager for the renovation and construction of court facilities.

I'm also curious to hear how the time lines of the D.C. Courts' construction plans compare to other courthouse constructions in other jurisdictions.

Given the constraints of the recently passed budget resolution, frankly, it's going to be difficult for this subcommittee to provide the increases above the President's request for the courts. I would like to hear from Judge Wagner how the President's proposed budget level, which is \$36.6 million below the court's request is going to affect the court's operations.

Also, I recognize that the most significant construction costs will occur in fiscal year 2005. I urge the courts to meet with officials from OMB as soon as possible to ensure that the capital costs are requested in the President's fiscal year 2005 budget request.

The witnesses will be limited to 5 minutes for opening remarks, and copies of your written statements will be placed in the record in their entirety.

Senator Strauss has submitted a written statement to be included in the record.

[The statement follows:]

PREPARED STATEMENT OF SENATOR PAUL STRAUSS

As the elected United States Senator for the District of Columbia, and an attorney who practices in the family court division of our local courts I would like to state for the record that I fully support the fiscal year 2004 Budget Request for the District of Columbia Courts. As an elected Senator for the District of Columbia, I stand by the Court System of District of Columbia. It is vital that the District of Columbia Court System be fully funded in the amount asked for today.

I respect the positions of all of the witnesses that are here today and especially know that Judges King, Wagner, and their staff have worked hard on their budget proposal. I know that the fiscal marks that he is testifying in support of today are what we need in order for the D.C. Court System to continue to operate at full capacity. Since, as the D.C. Senator, I myself cannot vote on this appropriation I am limited to merely asking you to support his proposal.

In this hearing, the witnesses have presented the fiscal marks that they request regarding capitol improvements requirements of the D.C. Courts in fiscal year 2004. With the cooperation of and significant input from General Services Administration, the D.C. Courts have come up with a Master Plan for Facilities. This plan incorporates significant research, analysis, and planning. I support this plan and am happy that this subcommittee supports it as well.

However, as much as I appreciate having the support from this subcommittee on the Master Plan for Facilities, I respectfully state that this matter is not in the Office of Management and Budget or the President's hands. I know that I need not remind you that Congress has the final say over how much money is spent and it is very unlikely that the President will veto the entire bill if more money is appropriated on this project than is written into the President's budget. Of course, that does not mean that Judges Wagner, King, and their staff should not take the advice of Chairman DeWine and strongly advocate for this project to OMB. It is still very important to have this project written into the President's fiscal year 2005 Budget. Having it in there will of course make it more likely that the money will be appropriated for the project.

The District of Columbia Courts' fiscal year 2004 request is a fiscally responsible budget that continues to build on past achievements to meet current and future needs. Some of the needs that will be met by the budget proposal submitted by the D.C. Courts are enhancing public security, investing in human resources, investing

in information technology, expanding strategic planning and management, and strengthening services to families.

Moreover, having stated the importance of fully funding the District of Columbia Court System, I would like to emphasize the importance of fully funding the Court's Defender Services line item. In order to provide adequate representation to families in crisis we need to fully fund Defender Services. All of this Committee's good work on Family Court reform is in jeopardy without the resources to back it up. The Family Court is an institution that must protect the District's most vulnerable citizens—its children, as well as provide countless other, more mundane yet important, legal functions common to every jurisdiction. The safety of children should not and will not be compromised due to political agendas or simple lack of funding. Although the budget provides training for new attorneys, these children are best served by experienced advocates. We are in danger of losing our most experienced child advocates due to budget cuts.

Once again this year the D.C. Court System asked for an increase in the hourly rate paid to attorneys that provide legal services to the indigent including those attorneys that work hard to represent abused and neglected children ad guardia and ad litem in Family Court. The first fee increase in nearly a decade was implemented in March of 2002 when it was increased to the present rate of \$65 per hour. In the fiscal year 2004 request the Courts recommend an incremental increase from the current \$65 an hour to \$75 per hour and eventually to \$90 per hour. The reason that this adjustment is so important is that the Federal court-appointed lawyers, literally across the street already get paid \$90 an hour to do very similar work. Therefore, the disparity in pay between the two positions creates a disincentive amongst the "experienced" attorneys to work for Defender Services in D.C. Court. I call on this Subcommittee to once again eliminate this disincentive. It was unfortunate that the fiscal year 2003 Appropriations Bill that came out of Conference and was signed into law by the President did not include this raise that this Committee, and full Senate rightly included into their mark up of the bill. I urge this Subcommittee to fully fund the requested increase in the defender services line item in the bill for fiscal year 2004 just like they did for fiscal year 2003, and then fight vigorously to defend that mark if a conference becomes necessary.

Senator Landrieu has stated that the District of Columbia Family Court should be a "showcase" for the whole country. I firmly agree with that statement and add that as an attorney who practices regularly in the D.C. Family Court, I believe that it is thankfully on its way toward being that "showcase". However, there is continued need for improvement. I know that this Subcommittee has been firmly committed to the D.C. Family Court. On behalf of my constituents I thank you for all your hard work and dedication and I look forward to your continued cooperation. There has been strong bipartisan support in this Subcommittee for the D.C. Family Court. In particular, I commend Senators DeWine and Landrieu for all the great work that they have done on this important issue. Both of them have treated the D.C. Family Court as if it were a court in their own States.

In the long term, a family-friendly showcase state-of-the-art Family Court with its own identity and a separate entrance is included in the Master Plan that the D.C. Courts and GSA have compiled. I am also happy to see that the Master Plan takes into account the transition from the Family Court of today to the Family Court we will see in the future. The two-pronged approach that includes the transition, the final step means that this plan is well thought out, and they are ready for the money to be appropriated for this important project.

In conclusion, I would like to thank the Subcommittee for holding this important hearing and Judges Wagner and King as well as Mr. Doug Nelson, Director-Property Development, GSA for working hard on the Master Plan for Facilities and testifying today. I urge this Subcommittee to take the budget proposals submitted today into strong consideration. Finally, let me take this opportunity to thank Matt Helfant of my staff for his assistance in preparing this statement. I look forward to further hearings on this topic and I am happy to respond to any requests for additional information.

Senator DEWINE. Judge Wagner is, of course, the Chief Judge of the District of Columbia Court of Appeals. We are also joined by Mr. Doug Nelson, Director of the Property Development Division, Public Building Services, National Capital Region, General Services Administration. And of course also on the panel is Judge King, who we welcome back again as well.

Mr. Nelson, why don't we just start with you, and just tell us where you think we are, what do we need to know.

STATEMENT OF DOUGLAS NELSON

Mr. NELSON. Thank you, Mr. Chairman, Senators. Thank you for this opportunity to discuss the fiscal year 2004 capital budget request for the District of Columbia Courts. I'm Doug Nelson and I am appearing here in my capacity of the Director of the GSA National Capital Region's Property Development Division. The Property Development Division is part of the GSA Public Building Service, and we provide program and project management services for major new construction, modernization, lease construction, renovations, and repair and alteration projects for Federal facilities.

Development of large, complex and technically challenging projects of historical significance is not only part of our Nation's legacy, but also GSA's. Our projects stand as a testimony to the outstanding level of quality and service we deliver to our customers.

GSA is pleased that the D.C. Courts have turned to us to provide project management services for their projects arising from the District of Columbia Family Court Act of 2001. GSA has been supporting D.C. Courts' projects ranging in scope from planning to minor repairs and alterations to major renovation and new construction. We are now directly involved with projects encompassing three existing buildings and a new parking garage, all of which are located in and around Judiciary Square.

The projects consist of the Family Court Interim Plan, interior renovation of Building B to house, among others, the Small Claims Court, the Landlord-Tenant Court, and administrative offices. It also includes the partial renovation of approximately 30,000 occupiable square feet of the Moultrie Courthouse John Marshall level to house part of the Family Court; the renovation and adaptive reuse of the historic 1820's old D.C. Courthouse to house the D.C. Court of Appeals, including the new construction of the underground parking garage; and expansion of the Moultrie Courthouse to meet the space needs of the Superior Court to provide state of the art facilities for the Family Courts.

These projects are related to one another, since room for the Family Court is being created within the Moultrie Courthouse by a combination of relocation of the Court of Appeals to the Old Courthouse, the movement of the current Moultrie occupants to Building B, and the Moultrie John Marshall level renovation. Presently, all projects that I have identified are underway, although each are at different stages of completion.

The current status of each project: An 8(a) contractor has been awarded a design-build contract for the Building B interior renovations. The project is in the demolition phase of construction and occupancy is scheduled for December of 2003.

The Moultrie Courthouse John Marshall level renovation and creation of new courtrooms for the Family Court is being designed by the architectural firm Oudens and Knoop.

The architectural firm of Beyer, Blinder, Belle, architects and planners, has recently been selected for the Old Courthouse and

the parking garage, and we are using GSA's Design Excellence program for that selection.

The architectural firm of Gensler has been recently selected for the Moultrie Courthouse expansion utilizing the Design Excellence program.

For your information, I have provided individual fact sheets for the Building B project, the Old Courthouse and garage project, and the Moultrie Courthouse expansion project. These fact sheets provide more detailed information on each of the projects.

In addition to the construction projects I have described, GSA is also working with the D.C. Courts to prepare a master plan for Judiciary Square at the request of the National Capital Planning Commission. A draft of this plan is scheduled for presentation to the Commission early this summer, and approval of this plan is essential for continued progress of the projects.

PREPARED STATEMENT

Mr. Chairman and Senators, we look forward to working with you throughout the appropriate appropriations process, and I thank you for the opportunity to discuss the fiscal year 2004 capital budget request of the Courts as it relates to these projects. I would be pleased to answer any questions.

[The statement follows:]

PREPARED STATEMENT OF DOUG NELSON

Mister Chairman, Senators, thank you for this opportunity to discuss the fiscal year 2004 capital budget request of the District of Columbia Courts. I am Doug Nelson, and I am appearing in my capacity as the Director of the GSA National Capital Region Property Development Division. The Property Development Division is part of the GSA Public Buildings Service and we provide program and project management services for major new construction, modernization, lease construction, renovations, and repair and alteration projects for Federal facilities.

Development of large, complex and technically challenging projects of historical significance is not only part of our Nation's legacy, but also GSA's. Our projects stand as testimony to the outstanding level of quality and service we deliver to our customers.

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The projects consist of:

—Family Court Interim Plan:

—Interior renovation of Building "B" to house, among others, the Small Claims Court, the Landlord-Tenant Court, and administrative offices;

—Partial renovation of approximately 30,000 occupiable square feet of the Moultrie Courthouse John Marshall level to house part of the Family Court;

—Renovation and adaptive reuse of the historic 1820's Old D.C. Courthouse to house the D.C. Court of Appeals, including the construction of a new underground parking garage; and

—Expansion of the Moultrie Courthouse to meet the space needs of the Superior Court and to provide state of the art facilities for the Family Court.

These projects are related to one another, since room for the Family Court is being created within the Moultrie Courthouse by a combination of the relocation of the Court of Appeals to the Old Courthouse, the movement of current Moultrie occupants to Building "B", and the Moultrie John Marshall level renovation. Presently, all of the projects that I have identified are underway, although each is at a different stage of completion.

The current status of each project is:

- An 8(a) contractor has been awarded a design-build contract for the Building “B” interior renovations. The project is in the demolition phase of construction and occupancy is scheduled for December 2003;
- The Moultrie Courthouse John Marshall level renovation and creation of new courtrooms for the Family Court is being designed by the architectural firm Oudens and Knoop;
- The architectural firm Beyer Blinder Belle has recently been selected for the Old Courthouse and the parking garage utilizing GSA’s Design Excellence program; and
- The architectural firm Gensler has recently been selected for the Moultrie Courthouse expansion utilizing the Design Excellence program.

For your information, I have prepared individual fact sheets for the Building “B” project, the Old Courthouse and garage project, and the Moultrie Courthouse expansion project. These fact sheets provide more detailed information on each of the projects.

In addition to the construction projects I have described, GSA is also working with the D.C. Courts to prepare a Master Plan for Judiciary Square at the request of the National Capital Planning Commission. A draft of this plan is scheduled for presentation to the Commission early this summer. Approval of this plan is essential to the continued progress of the projects.

Mister Chairman, Senators, we look forward to working with you throughout the appropriations process, and I thank you for the opportunity to discuss the fiscal year 2004 capital budget request of the Courts as it relates to these projects. I would be pleased to address any questions.

FACT SHEET.—D.C. COURTS BUILDING “B” INTERIOR RENOVATIONS

Background

This project is on behalf of the D.C. Courts in accordance with the Family Court Act of 2001. The scope of work is the renovation of the interior of Building “B”, located on 4th Street, NW, between E and F Streets. Building “B” has three above-grade floors and an occupiable basement totaling 68,000 OSF. Renovation of the building is being carried out in two phases, with the building remaining partially occupied during each phase. When the renovation project is complete, Building “B” will house the Landlord-Tenant Court and the Small Claims Court, as well as other Superior Court offices.

Current Status

The first phase of the project is currently underway. A design-build contract was awarded to Dalco, Inc., an 8(a) construction contractor working in conjunction with the architectural firm of Leo A Daly. The demolition portion of the first phase is nearing completion. The design of the new work is scheduled for completion in April 2003, with construction to commence immediately thereafter.

—*Construction Manager.*—A Construction Management (CM) contract was awarded by GSA in February 2003 for the D.C. Courts projects, including the Building “B” renovation. This contract includes management of the design and construction phases of the project.

—*Design.*—Design is scheduled for completion in April 2003.

—*Construction.*—Construction is ongoing, with the first phase new construction scheduled to commence in April 2003.

Milestones

Award (Design-Build).—December 2002.

Design Complete.—April 2003.

Occupancy.—December 2003.

Cost

Design & Construction.—\$13,500,000 (fiscal year 2003).

M&I.—\$1,500,000 (fiscal year 2003).

Total Budget.—\$15,000,000 (fiscal year 2003).

Contact

Doug Nelson, Director, GSA–NCR Property Development Division.

FACT SHEET.—D.C. COURTS OLD D.C. COURTHOUSE AND PARKING GARAGE

Background

This project is on behalf of the D.C. Courts and includes the restoration and adaptive reuse of the historic Old D.C. Courthouse in Judiciary Square in Washington, DC. The project also includes a new underground parking garage adjacent

to the Old Courthouse with space for approximately 250 vehicles, which will be shared with the U.S. Court of Appeals for the Armed Forces (USCAAF). Designed in 1820, the Old Courthouse currently comprises 96,000 SF. An additional 37,000 SF addition to the Old Courthouse is planned as part of this project, bringing the completed total square footage to 133,000. When complete, the building will house the D.C. Court of Appeals.

Current Status

The project is currently in the design procurement phase. An Architect/Engineer (A/E) has been selected utilizing GSA's Design Excellence program, and it is anticipated that the design will commence upon award in June 2003.

—*Master Plan.*—A D.C. Courts Judiciary Square Master Plan is being developed at the request of the National Capital Planning Commission (NCPC). The draft report is planned for a June 6, 2003 submission to NCPC. NCPC approval of this plan is critical to the continued progress of the project.

—*Construction Manager.*—A Construction Management (CM) contract was awarded by GSA in February 2003 for the D.C. Courts projects, including the Court of Appeals and the parking garage. This contract includes management of the design and construction phases of the project.

—*Design.*—An A/E has been selected based on technical merit, and cost negotiations are planned to commence in early May 2003. A single design contract will be awarded, but the A/E will produce separate sets of construction documents for the garage and the Courthouse.

—*Construction.*—The parking garage and the Old Courthouse are to be constructed utilizing separate construction contracts. Construction of the parking garage is planned to commence in September 2004, with completion planned in December 2005. The Old Courthouse construction is scheduled to begin in March 2005 and is scheduled for occupancy in March 2007.

Milestones

Design Award.—June 2003.

Design Complete.—Garage: February 2004; Courthouse: August 2004.

Construction Award.—Garage: September 2004; Courthouse: March 2005.

Garage Complete.—December 2005.

Courthouse Occupancy.—March 2007.

Remaining Cost

GSA has received fiscal year 2003 and prior year funds from the D.C. Courts for this project. In addition, part of the garage cost is to be funded by the USCAAF. A summary of the total projected D.C. Courts project costs is as follows, with the remaining funds required from the D.C. Courts:

Design.—Courthouse & Garage \$5.4M (fiscal year 2003).

M&I.—Courthouse & Garage \$7.3M (\$1.7M in fiscal year 2003; \$0.7M in fiscal year 2004; \$4.9 in fiscal year 2005).

Construction.—Courthouse & Garage \$66.5M (\$8.8M in fiscal year 2004; \$57.7M in fiscal year 2005).

Total Cost.—\$79.2M (\$7.1M in fiscal year 2003; \$9.5M in fiscal year 2004; \$62.6M in fiscal year 2005).

Remaining D.C. Courts Funding.—\$74.1M (\$2.0M in fiscal year 2003; \$9.5M in fiscal year 2004; \$62.6M in fiscal year 2005).

Contact

Doug Nelson, Director, GSA–NCR Property Development Division.

FACT SHEET.—D.C. COURTS MOULTRIE COURTHOUSE EXPANSION

Background

This project is on behalf of the D.C. Courts in accordance with the Family Court Act of 2001. The scope of work is the expansion of the H. Carl Moultrie I Courthouse building to provide more room for the Superior Court's Family Court and to provide space for a new Family Services Center. The Moultrie Courthouse is located on the south side of Judiciary Square facing Indiana Avenue, NW. The project consists of a 74,000 SF expansion of the building consisting of a 64,000 SF addition along the building's south side and a new 10,000 SF pavilion located on the north side. Related projects in Judiciary Square arising from the Family Court Act include interior renovation of D.C. Courts Building "B" and the partial renovation of the Moultrie Courthouse John Marshall level.

Current Status

The project is currently in the design procurement phase. An Architect/Engineer (A/E) has been selected utilizing GSA's Design Excellence program, and it is anticipated that the design will commence upon award in August 2003.

—*Master Plan.*—A D.C. Courts Judiciary Square Master Plan is being developed at the request of the National Capital Planning Commission (NCPC). The draft report is planned for a June 6, 2003 submission to NCPC. NCPC approval of this plan is critical to the continued progress of the project.

—*Construction Manager.*—A Construction Management (CM) contract was awarded by GSA in February 2003 for the D.C. Courts projects, including the Moultrie Courthouse expansion. This contract includes management of the design and construction phases of the project.

—*Design.*—An A/E has been selected based on technical merit, and cost negotiations are planned to commence in July 2003.

—*Construction.*—Construction is planned to commence in May 2005.

Milestones

Design Award.—August 2003.

Design Complete.—September 2004.

Construction Award.—May 2005.

Occupancy.—June 2009.

Remaining Cost

Design.—\$3,600,000 (fiscal year 2003).

M&I.—\$1,200,000 (fiscal year 2003).

M&I.—\$4,800,000 (fiscal year 2005).

M&I.—\$950,000 (fiscal year 2008).

Construction.—\$44,000,000 (fiscal year 2005).

Construction.—\$7,700,000 (fiscal year 2008).

Total Remaining.—\$62,300,000 (\$4.8M in fiscal year 2003; \$48.9M in fiscal year 2005; \$8.6M in fiscal year 2008).

Contact

Doug Nelson, Director, GSA–NCR Property Development Division.

Senator DEWINE. Mr. Nelson, thank you very much. You set a new record. You only took 4 minutes to testify.

Judge Wagner, you do not have to follow that precedent. We will give you his extra minute. Judge Wagner, go ahead.

STATEMENT OF ANNICE M. WAGNER

Chief Judge WAGNER. Good morning, Mr. Chairman, and Senators. Thank you so much for this opportunity to address further our capital improvement requirements for the District of Columbia Courts in fiscal year 2004. For the record, I am Annice Wagner, and I am the Chair of the Joint Committee on Judicial Administration in the District of Columbia, which is the policy-making body for the District of Columbia Courts.

With me is Chief Judge Rufus King III, who is a member of our Joint Committee and who is the chief judge of our trial court, the Superior Court of the District of Columbia. We also have other staff members present with us. We have Anne Wicks, our Executive Officer, and secretary to the Joint Committee, and Mr. Joseph Sanchez, the Courts' Administrative Officer. They are here to provide detailed information to the committee.

The Courts' capital funding requirements are significant, as we know. That is because they include funding for projects critical to maintaining, preserving and building safe and functional courthouse facilities which are essential to meeting the heavy demands of the administration of justice in our Nation's capital.

Since we appeared before you, we have held several, or a series of productive meetings with the General Services Administration,

which as you know, is the program and project manager for the Courts' construction and renovation projects. As with any complex construction project, we are informed that ongoing refinement of the design, acquisition, and construction plans have led to changes in project approaches, which affect the Courts' capital funding request for fiscal year 2004.

Two points should be emphasized about these changes at the outset. First, these changes do not change the timing for the completion of the adaptation of the Old Courthouse for use by the D.C. Court of Appeals, the Moultrie Courthouse expansion, or the interim and final Family Court plans which will be discussed more fully later. And second, they merely shift capital costs from fiscal year 2004 to fiscal year 2005. The shift in timing of funding has had no impact on the construction time line, as you have heard, and all capital projects remain on schedule, at least as of today.

Recent studies by GSA have shown the Courts' space needs, which will occur over the next decade, and indeed show a current shortfall in space. To meet these needs, we have three major approaches.

First, renovation of the Old Courthouse for readaptive use will provide space for the District's court of last resort, the District of Columbia Court of Appeals, and this will free space in the Moultrie Courthouse for trial court operations, including our Family Court. Second, construction of an addition on the Moultrie Courthouse, a major portion of which will be developed as a separately accessible state of the art Family Court facility. And third, the future occupation of Building C, which is adjacent to the Old Courthouse.

The readaptive use of the Old Courthouse is critical to meeting the space needs of the entire court system. Investment will improve efficiencies by co-locating the offices and support facilities and provide 37,000 square feet of critically needed space in the Moultrie building. As you know, the Moultrie building is uniquely designed to meet the needs of the trial court particularly, because of its secure corridors through which many many prisoners have to go each day to the various courtrooms within the building. It's well suited to that.

It is also well suited to the planned addition for the Family Court, which will be facilitated through the master plan. This addition allows for development on C Street of a separate Family Court entrance, with its own name appearing on the building, which will provide a welcoming facility for families coming to the Court in the most difficult times of their lives, no doubt.

The Moultrie building was built in 1978 for 44 trial judges, and today it is strained beyond its capacity in order to accommodate 62 trial judges and 24 magistrate judges, and 9 appellate judges, as well as senior judges and support staff for the two courts.

I would like to take the time to mention the historical and architectural significance of Judiciary Square, which lends dignity to the important business conducted by the Courts. The National Capital Planning Commission is requiring the Courts to develop a master plan for Judiciary Square, essentially an urban design plan, before construction can begin. The D.C. Courts are working with several stakeholders on the plan, including the United States Court of Ap-

peals for the Armed Forces, the National Law Enforcement Museum, the Newseum, and the Metropolitan Police Department.

The Old Courthouse is the centerpiece of Judiciary Square and is one of the oldest buildings in the District of Columbia. The architectural and historic significance of the building, which was built from 1821 to 1881, led to its listing on the National Register of Historic Places. Since it has been vacated, thanks to the support of Congress, we have been able to take steps to prevent its further deterioration and to begin planning for its readaptive use.

The project will not only meet the critical needs of the Courts by serving as the new site for the Court of Appeals, it will also impart new life to one of the most significant historic buildings in Washington, DC. It will meet the needs of the Courts and it will benefit the community through an approach of strengthening a public institution, restoring a historic landmark, and stimulating the neighborhood's economic activities.

There are a number of other buildings such as Buildings A, B and C, which are in our master plan. Work is underway to move the Superior Court's two highest volume courtrooms, small claims and landlord-tenant, into Building B by this year's end. This move will free much needed space in the Moultrie building, for the development of a Family Court, which will include three new courtrooms, three new hearing rooms, a centralized intake facility, a family friendly waiting area, and District of Columbia government liaison offices for Family Court matters.

The Courts are pleased to be working with GSA on these projects, and Mr. Nelson has explained some of them to you. As we embark on projects of the large scope envisioned by the Master Plan for D.C. Courts Facilities, we are particularly pleased to have GSA's expert guidance and the guidance of the experts whom they have hired. The master plan incorporates significant research, analysis and planning by expert architects, engineers and design planning.

I know that my time is short here, but there are two key features that I want to mention about the interim Family Court plan. During 2002, the Courts constructed and reconfigured space in the Moultrie Courthouse to accommodate the nine new Family Court magistrate judges and their support staff. The Court also constructed four new hearing rooms for Family Court magistrates hearing child abuse and neglect cases, and renovated space for the mayor's social services liaison office.

A key element of the Family Court interim plan is the JM level construction in the Moultrie Courthouse of three new courtrooms and three new hearing rooms, a centralized Family Court intake center, a family friendly child waiting area, and a new Family Court entrance on the John Marshall Plaza. The JM level construction will be complete in the latter part of 2004. We are pleased to be able to report that.

There is a long-term Family Court plan, as you know. I won't get into it right now, but I will await your questions. It is addressed in my written testimony to the committee.

Unless these infrastructure needs are addressed, the functional capability of the Courts will decline and the quality of justice in the District of Columbia will be compromised. For fiscal year 2004, we

ask for \$52,889,000 for capital projects, and as you know, the bulk of the funding needed for the master space plan will come in fiscal year 2005.

PREPARED STATEMENT

Again, thank you for the opportunity to discuss the Courts' capital budget request, and we look forward to working with you throughout the appropriations process. Chief Judge King and I would be pleased to address any questions.

[The statement follows:]

PREPARED STATEMENT OF ANNICE M. WAGNER

Mister Chairman, Senator Landrieu, thank you for this opportunity to address further the capital improvement requirements of the District of Columbia Courts in fiscal year 2004. For the record, I am Annice Wagner, and I am appearing in my capacity as the Chair of the Joint Committee on Judicial Administration in the District of Columbia. The Joint Committee, as the policy-making body for the District of Columbia Courts, has responsibility, for, among other matters, space and facilities issues in the District of Columbia's court system.

With me this morning are Chief Judge Rufus King III, a member of the Joint Committee and the chief judge of our trial court, the Superior Court of the District of Columbia, Ms. Anne Wicks, the Executive Officer of the Courts and Secretary to the Joint Committee, and Mr. Joseph E. Sanchez, Jr., the Courts' Administrative Officer.

The Courts' capital funding requirements are significant because they include necessary funding for projects critical to maintaining, preserving and building safe and functional courthouse facilities essential to meeting the heavy demands of the administration of justice in our Nation's Capital. Since appearing before you on March 12, 2003, the Courts have had a series of productive meetings with representatives of the General Services Administration (GSA), the agency serving as program and project managers for the Courts' construction and renovation projects. As with any complex construction project, we are informed that on-going refinement of the design, acquisition and construction plans have led to changes in project approaches which affect the Courts' capital funding requirements in fiscal year 2004 for these multi-year projects. Two points should be emphasized about these changes at the outset. First, these changes do not change the timing for the completion of the re-adaptation of the Old Courthouse for use by the District of Columbia Court of Appeals, the Moultrie Courthouse expansion, or the interim and final Family Court plans, which will be discussed more fully later. Second, the changes provided to us by GSA for fiscal year 2004 merely shift some capital costs from fiscal year 2004 to fiscal year 2005. The total cost of these projects and the GSA requirement for full funding at the beginning of construction remain. The shift in the timing of funding requirements has had no impact on the construction timeline, and all capital projects remain on schedule.

FACILITIES OVERVIEW

Let me begin by outlining an inventory of the Courts' major facilities and key features of our Master Space Plan for their use. To administer justice in our Nation's Capital, the D.C. Courts presently maintain 645,000 occupiable square feet of space in Judiciary Square. Specifically, the Courts are responsible for four buildings in the square: the Old Courthouse at 451 Indiana Avenue, the Moultrie Courthouse at 500 Indiana Avenue, N.W., and Buildings A and B, which are located between 4th and 5th Streets and E and F Streets, N.W. In addition, when the District government's payroll office vacates Building C, the old Juvenile Court, we anticipate that it will be returned to the Courts' inventory. Recent studies by the General Services Administration have documented the D.C. Courts' severe space shortage. In 2002, the Courts were short approximately 48,000 square feet for operations, with a shortfall of 134,000 square feet projected in the next decade.

A recently completed Master Plan for D.C. Court Facilities secured by the GSA defined the 134,000 square foot space shortfall facing the Courts and proposed to meet that need through three mechanisms: (1) renovation of the Old Courthouse for readaptive use by this jurisdiction's court of last resort, the District of Columbia Court of Appeals, which will to free space in the Moultrie Courthouse for trial court operations; (2) construction of an addition to the Moultrie Courthouse, a major por-

tion of which will be developed as a separately accessible Family Court facility; and (3) the future occupation of Building C, adjacent to the Old Courthouse.

The restoration and readaptive use of the Old Courthouse for the District of Columbia's highest court, the Court of Appeals, is pivotal to meeting the space needs of the court system. Investment in the restoration of the Old Courthouse will improve efficiencies by co-locating the offices that support the Court of Appeals and by providing 37,000 square feet of critically needed space for Superior Court and Family Court functions in the Moultrie Courthouse. The Moultrie Courthouse is uniquely designed to meet the needs of a busy trial court. It has three separate and secure circulation systems—for the judges, the public, and the large number of prisoners present in the courthouse each day. Built in 1978 for 44 trial judges, today it is strained beyond capacity to accommodate 62 trial judges and 24 magistrate judges in the trial court and 9 appellate judges, as well as senior judges and support staff for the two courts. Essential District criminal justice and social service agencies also occupy office space in the Moultrie Courthouse. It is needless to say that the Courts have outgrown the space available in the Moultrie building. The space is inadequate for this high volume court system to serve the public in the heavily populated metropolitan area in and around our Nation's Capital. The Courts require well-planned and adequate space to ensure efficient operations in a safe and healthy environment.

The historical and architectural significance of Judiciary Square lends dignity to the important business conducted by the Courts and at the same time complicates somewhat any efforts to modernize or alter the structures. Judiciary Square is of keen interest to the Nation's Capital. The National Capital Planning Commission is requiring that the Courts develop a Master Plan for Judiciary Square—essentially, an urban design plan—before construction can be commenced in the area. The D.C. Courts are working with all stakeholders on the Plan, including the United States Court of Appeals for the Armed Forces, the National Law Enforcement Museum, the Newseum, and the Metropolitan Police Department.

The Old Courthouse, the centerpiece of the historic Judiciary Square, is one of the oldest buildings in the District of Columbia. Inside the Old Courthouse, Daniel Webster and Francis Scott Key practiced law, and John Surratt was tried for his part in the assassination of President Abraham Lincoln. The architectural and historical significance of the Old Courthouse, built from 1821 to 1881, led to its listing on the National Register of Historic Places and its designation as an official project of Save America's Treasures. The structure is uninhabitable in its current condition and requires extensive work to meet health and safety building codes and to readapt it for use as a courthouse. Since it has been vacated, thanks to the support of Congress, we have been able to take steps to prevent its further deterioration. This project will not only meet the critical needs of the Courts by serving as the new site for the Court of Appeals; it will also impart new life to one of the most significant historic buildings in Washington, DC. It will meet the needs of the Courts and benefit the community through an approach that strengthens a public institution, restores a historic landmark, and stimulates neighborhood economic activity.

Buildings A, B, and C, dating from the 1930's, are situated symmetrically along the view corridor comprised of the National Building Museum, the Old Courthouse, and John Marshall Park and form part of the historic, formal composition of Judiciary Square. These buildings have been used primarily as office space in recent years, with a number of courtrooms in operation in Building A. Work is underway to move the Superior Court's two highest volume courtrooms, Small Claims and Landlord and Tenant, into Building B by year's end. This move will free much needed space in the Moultrie Building for development of the Family Court, which will include three new courtrooms, three new hearing rooms, a centralized intake facility, a family-friendly waiting area and District liaison offices for Family Court matters.

The H. Carl Moultrie I Courthouse, built in the 1970's, while not historic, is also located along the view corridor and reinforces the symmetry of Judiciary Square through its similar form and material to the municipal building located across the John Marshall Plaza. Currently the Moultrie Courthouse provides space for most Court of Appeals, Superior Court, and Family Court operations and clerk's offices, as previously described.

The Courts have been working with GSA on a number of our capital projects since fiscal year 1999, when we assumed responsibility for our capital budget from the District's Department of Public Works. In 1999, GSA produced a study for the renovation and readaptive use of the Old Courthouse. Later, in 2001, GSA prepared Building Evaluation Reports that assessed the condition of the D.C. Courts' facilities. These projects culminated in the development of the first Master Plan for D.C.

Courts Facilities, which delineates the Courts' space requirements and provides a blueprint for optimal space utilization, both in the near and long term.

As we embark on projects of the large scope envisioned by the Master Plan for Facilities, we are particularly pleased to have the General Services Administration and its teams of construction and procurement experts working with us. We appreciate GSA's presence and participation this morning to provide detailed information on these projects that are so important to the administration of justice in our Nation's Capital.

MASTER PLAN FOR FACILITIES

The Master Plan for D.C. Courts Facilities incorporates significant research, analysis, and planning by experts in architecture, urban design and planning. During this study GSA analyzed the Courts' current and future space requirements, particularly in light of the significantly increased space needs of the Family Court. The Master Plan examined such critical issues as: alignment of court components to meet evolving operational needs and enhance efficiency; the impact of the D.C. Family Court Act of 2001 (Public Law Number 107-114); accommodation of space requirements through 2012; and planning to upgrade facilities, including, for example, security, telecommunications, and mechanical systems. The Plan identified a space shortfall for the Courts over the next decade of 134,000 occupiable square feet, and proposed to meet that need through three approaches: (1) renovation of the Old Courthouse for readaptive use by the D.C. Court of Appeals, which will free space in the Moultrie Courthouse for trial court operations; (2) construction of an addition to the Moultrie Courthouse, to meet the needs of the Family Court; and (3) reoccupation of Building C, adjacent to the Old Courthouse. In addition, the Plan determined that other court facilities must be modernized and upgraded to meet health and safety standards and to function more efficiently.

FAMILY COURT IN THE MASTER PLAN

Interim Family Court Space Plan

The Master Plan incorporates an Interim Space Plan for the Family Court that provides the facilities necessary to fully implement the Family Court Act, as well as a long term plan that optimizes space and programmatic enhancements for the Family Court. The Interim Space Plan for Family Court will be complete in the fall of 2004. As this Interim Space Plan proceeds towards completion, procedural changes have been implemented within the Family Court to meet the requirements of the Family Court Act. I believe Mr. Nelson from GSA plans to describe the status of the Interim Plan, which was detailed in the Family Court's April 5, 2002 Transition Plan. Therefore, I will mention only briefly the essential components of the Interim Plan.

—During fiscal year 2002 the Courts constructed and reconfigured space in the Moultrie Courthouse to accommodate the nine new Family Court magistrate judges and their support staff. The Courts also constructed four new hearing rooms for Family Court magistrate judges hearing child abuse and neglect cases, and renovated space for the Mayor's Services Liaison Office.

—A key element of the Family Court Interim Space Plan is the JM-level construction in the Moultrie Courthouse of three new courtrooms, three new hearing rooms, the Mayor's Services Liaison Office, a Centralized Family Court Filing and Intake Center, a family-friendly child waiting area, and a new Family Court entrance from the John Marshall Plaza to the Moultrie Courthouse. In addition, the corridors and hallways along the courthouse's JM-level will be redesigned and upgraded to create family-friendly seating and waiting areas.

As stated previously, the JM-level construction will be complete in the latter part of 2004, marking the implementation of the Interim Plan. When the renovation of the first floor of Building B is complete (fall 2003), the Small Claims and Landlord & Tenant courts and clerk's offices will be relocated from the JM level of the Moultrie Courthouse to Building B, and Family Court construction will begin on the JM level.

Long Term Plan

The long term plan includes expansion of the Moultrie Courthouse. Once complete, it will provide a state-of-the-art, family-friendly facility for Family Court operations, with its own identity and separate entrance, which will be a model for the Nation. We envision a safe facility designed to alleviate the inevitable stresses on the families who come to the courthouse seeking justice. We want the Family Court to be inviting and welcoming to families with small children, to families with teenagers, to all families. We envision a customer-friendly facility that incorporates the

“one-stop” concept by locating all related court units in one place and making it easier for families to access needed social services from D.C. government agencies. The interim Family Court plans are designed to transition smoothly into this long term plan and to maximize the efficient use of time and money.

CAPITAL FUNDING IN FISCAL YEAR 2004

To permit the Courts to continue to meet the needs of the community and the demands confronting the District’s judicial branch, adequate resources are essential. The most critical issue we face today is sufficient capital funding to address the Courts’ severe space shortage and aging infrastructure. Only by investing in these critical areas will the Courts be in a position to ensure that the type of security necessary to protect our citizens and our institution is in place, and that our facilities are in a safe and healthy condition and reasonably up-to-date. Unless infrastructure needs are addressed, the functional capability of the Courts will decline and the quality of justice in the District of Columbia will be compromised.

Based on figures from GSA, which reflect the current approach to our major construction projects, the Courts’ capital budget request for fiscal year 2004 is \$52,889,000, comprised of the following projects:

Courtrooms and Judges Chambers	\$1,950,000
HVAC, Electrical and Plumbing Upgrades	16,220,000
Restoration of Old Courthouse (complete garage construction)	4,519,000
Restroom Improvements	1,100,000
Elevator and Escalator	2,000,000
Fire and Security Alarm Systems	6,500,000
General Repair Projects	7,740,000
Moultrie Courthouse Expansion	1,200,000
Master Plan Implementation—Development Studies	550,000
Integrated Justice Information System	11,110,000
Total	52,889,000

GSA has been working with us on the two major, multi-year projects to provide the majority of the additional space needed to meet the 134,000 occupiable square feet deficit identified in the Master Plan for facilities: Restoration of the Old Courthouse and Expansion of the Moultrie Courthouse. Over the next 2 fiscal years, 2004 and 2005, these projects will require \$117 million. As both projects are currently in the design procurement phase, GSA will require the majority of these funds in fiscal year 2005, when the major construction contracts are finalized. In addition, to implement future projects required by the Master Plan, development studies will be needed in fiscal year 2004; these have been added to our capital budget request. I understand that Mr. Nelson from GSA plans to provide more detail on the current status of these projects.

Restoration of the Old Courthouse will provide space for the D.C. Court of Appeals, the District’s court of last resort. Restoring this historic landmark will help meet the urgent space needs of the appellate court and the entire court system and will preserve the rich history of this building for future generations. When the Court of Appeals vacates its current space in the Moultrie Courthouse, approximately 37,000 square feet will become available for Superior Court and Family Court operations. The Old Courthouse project includes: restoration of the Greek Revival building; construction of additional underground office and courtroom space, and a new entrance to the north on E Street; and, as authorized by Public Law 106–492, construction of a secure parking facility to be shared with and connected to the U.S. Court of Appeals for the Armed Forces, which is adjacent to the Old Courthouse.

The Moultrie Courthouse Expansion is comprised mainly of additions presently planned for the south side (C Street) and Indiana Avenue entrance of the courthouse. The C Street addition will result in the expansion of five floors in the Moultrie building. The ground level floors of the addition will enhance the Family Court by providing a new courthouse entrance solely for Family Court, additional child protection mediation space, increased Child Care Center space, and safe and comfortable family-friendly waiting areas. The C Street addition also will permit the Courts to consolidate family-related operations in one central location, including juvenile probation functions and District government social service agencies that provide needed services to families and children in crisis. The upper level floors of the addition will meet critical space needs for other Superior Court operations.

The remainder of the Courts’ fiscal year 2004 capital budget request includes funding to: continue the implementation of the Integrated Justice Information Sys-

tem (IJIS); enhance the security, health and safety of the public using court facilities; and maintain our deteriorating infrastructure. These important projects were discussed in my March 12th testimony, and their funding requirements remain as originally submitted.

CONCLUSION

Mister Chairman, Senators, again, thank you for this opportunity to discuss the Courts' capital budget request. We look forward to working with you throughout the appropriations process. Chief Judge King, Ms. Wicks, Mr. Sanchez, and I would be pleased to address any questions.

Senator DEWINE. Judge, thank you very much. Let me start by asking, to carry out this plan, you've got a real spike up in costs next year, 2005, and this is just not going to happen, frankly, unless the President puts it in his budget. We all know that. What has been your communication with OMB about this?

Chief Judge WAGNER. Good question. While I have not have had any recent communication with OMB about this, what I was told was, it is not a question of whether funding will be recommended for one of the first phases, which is the readaptive use of 451 Indiana Avenue, the Old Courthouse, but a question of when. We have shared our master plan in a full briefing in May, I mean our staff has done that. In terms of the principals meeting with the leadership of OMB, that's a different matter. They are always made aware of our budget requests and what the purpose of the capital funding is, and our staff briefed them in a full briefing in May.

Senator DEWINE. What kind of reaction did your staff get?

Chief Judge WAGNER. Well, that's a good question, and I might ask Ms. Wicks to respond to that. But the reaction that I've gotten has always been it's not a question of if, it's a question of when, and we know that the country has other needs, but this country always preserves its historic treasures, its symbols of its democracy, and in this case it can be used for that purpose. So if that phase gets off the ground, we have the Family Court support, I think that we can all accomplish this if we work together over the next few years.

Senator DEWINE. Why don't you step up and identify yourself for the record.

Ms. WICKS. I am Anne Wicks, the Courts' Executive Officer. We briefed the Congressional staff in May, a full briefing of our plans. We also, in October, did our fiscal year 2004 budget submission to OMB, and did a full briefing.

Senator DEWINE. That was when?

Ms. WICKS. In October of this past year. At that time, OMB felt that we weren't quite far enough along in the planning and study for the capital projects. Since that time, as you all are aware, we have completed the D.C. Courts' Master Plan for Facilities, at the first of this year, which has been provided to OMB. We are now at the point where we are nearly complete with the Judiciary Square Master Plan, the first draft of that plan will actually be presented in part tomorrow to the National Capital Planning Commission.

So we're at the point now where OMB should have information so that they feel we are very far along, and we are setting up a meeting with OMB and GSA representatives to go through and show them that we do have detailed plans at this point.

Senator DEWINE. That's going to be at what level?

Ms. WICKS. Well, we will be meeting with Mark Schwartz, who is the branch chief, and then after we brief him, I would hope that he would help us set up something, as far as meetings which will help us with this.

Senator DEWINE. Well, I can't say this in—there aren't strong enough words for me to urge you, Judge Wagner, Judge King, you're going to have to go sell this. It is not going to happen unless OMB is on board. It does not make me particularly happy that they have that much power, but that is what the facts are. If the Administration does not come forward next year with this in their budget, it will not happen. This is a chunk of money.

Now, I happen to support it, I think it's very important, I think you have a plan, I think it's a viable plan, I think it's essential for the future of the District of Columbia, the court system. But if you don't sell it to OMB and sell it to the Administration, it will not happen. Would you like to comment on that?

Chief Judge WAGNER. That's an excellent reminder, Senator, and I appreciate that, and I guess my experience in the past has been consistent with what you just stated, and we will make every effort to make that happen at the executive branch.

Senator DEWINE. Okay. I mean, it's just not going to happen, GSA can't make it happen, and unless it comes up to the level in that budget, it's just not going to happen. So, it needs to come up here with the Administration strongly behind it for it to have any chance of being done.

FISCAL YEAR 2005 FUNDING REQUIREMENTS

And you know, that's where we have a major thrust on this, I believe is 2005, isn't it? We're talking about how much money in 2005, Mr. Nelson?

Mr. NELSON. Yes, in fiscal year 2005 for the D.C. courthouse project, we're looking at \$62.6 million, and for the Moultrie Courthouse expansion, we're looking at \$48.9 million, for fiscal year 2005.

Senator DEWINE. Now if you don't get that, what happens?

Chief Judge WAGNER. For the capital budget request?

Senator DEWINE. Right, what Mr. Nelson just said.

Chief Judge WAGNER. Well, I don't think that, if you're talking about for 2004, I'd like to—

Senator DEWINE. I'm talking about 2005. I mean, what I'm saying is you have to be worried, I'm worried about 2004, but I'm also saying, they're thinking about 2005 now. They have already submitted 2004. You know, you need to be on dual tracks, you need to be worried about 2004, but you also need to be worried with OMB about 2005, and unless you start to make the case with people at OMB who are going to be ultimately deciding your fate and unless somebody—you know, you need to get out there, you need to be traveling around with them, you need to be showing them around. You need them to see your vision and unless they get it, it's pretty easy to say well, that's just a lot of money and we can't do it.

Chief Judge WAGNER. Senator, we're going to work on that, and I'm glad you reminded us. We have done this type of strategy be-

fore, and I think that we can get support from the White House and OMB.

Senator DEWINE. Well, I pray that you can but I just want to put it into perspective. \$118 million would be one-fourth of the entire District of Columbia Subcommittee, our subcommittee's allocation. Now think about that. Now I'm for you, I am for it. You don't have to sell Mike DeWine and I don't think you have to sell Mary Landrieu. Don't spend your time worrying about us.

Go talk to the Administration. Go talk to OMB. Spend a lot of time talking to them.

Chief Judge WAGNER. We will do that, and we appreciate your support.

Senator DEWINE. I'm for you, it has to get done. If it doesn't get done now, it will have to get done later. We have kids to worry about, we have projects to deal with, it has to get done, but you have to go sell them.

Let me move to a more immediate problem, and that is soon enough, but let me move to a more immediate problem. Given that the President's budget request is \$36.6 million less than what you are requesting, what are we going to do, or what are you going to do if we can't deliver that money for you and if you end up with, this subcommittee and this Congress ends up giving you exactly what the President has requested? And that, let me just tell you, is a distinct possibility. I'm not happy to tell you that.

Judge King, Judge Wagner, let's just assume that you get what the President says you should get. So that's 36, by my calculation, \$36.6 million less than you want, or maybe a better way of saying that is less than you requested. I'm sure you want more than that, but less than you requested. So what gets cut?

Chief Judge WAGNER. Well, I am saying it would have a significant impact on some critical areas.

Senator DEWINE. Well, tell me what.

Chief Judge WAGNER. The Moultrie building has about 10,000 people coming through it every day. Since September 11th everyone has been concerned about safety and security, as we have. A part of the funding that we have requested, which we would not be able to do if the President's numbers were enacted would be to increase the number of court security officers for our court building. We would not be able to finance other facilities, security improvements, which are detailed in our study, that is the monitors, the audio-video devices, the types of things that you need to upgrade security in these kind of uncertain times.

We need to invest in our implementation of the IJIS system, Integrated Justice Information System, and some \$4 million we would not have in order to do that. We wouldn't be able to enhance our strategic planning which is going to guide our progress over the next 5 years. We wouldn't be able to invest further in accurately creating trial records, which is critical to a court of record. We asked for \$1,624,000 to improve the record of court proceedings. Those are just some of the items that we have requested that I think are critical to our functioning in the next fiscal year.

Senator DEWINE. Well, I think it would be helpful for this subcommittee if you prepared—I know we have just hit you with this orally, but I think today—well, you have obviously seen the Presi-

dent's budget before today, but we're going to need from you, and if we are able to see if this is what you end up with, we need to see a more detailed description of where you're going to go.

Chief Judge WAGNER. I'm sorry?

Senator DEWINE. I need to see a more detailed description of where you want to go, assuming that's what you end up with.

Chief Judge WAGNER. We will be glad to submit that.

Senator DEWINE. Why don't you submit that for us please.

What were your discussions with OMB in regard to your, the 2004 budget preparation? I'm looking at this pretty significant cut. What were your discussions with OMB?

Chief Judge WAGNER. I think Ms. Wicks could answer that.

Senator DEWINE. I would be interested in what kind of input they had from you.

Ms. WICKS. We provided them with a full budget submission as we provided to Congress, detailing all of our budgetary needs. We also provided them with studies and reports that supported various parts of our budget request.

Senator DEWINE. Did you have face-to-face contact with them? Did you do interviews with them? I'm interested in the process.

Ms. WICKS. I understand. I can't recall specifically this past October, whether we did sit down with and meet with them and walk through the budget. We had done face to face meetings with them over the summer for the capital request and the space planning. I can't recall, once we hit the fall and submitted the full request. I believe at the time OMB had already started the process; I think the President had speeded up the process for them this year because of other issues, and so I think they were very far along by the time we met with them.

Senator DEWINE. Who would they have dealt with, you?

Ms. WICKS. They would have dealt with me and our Fiscal Officer and staff in our offices.

Senator DEWINE. Well, you would have remembered if they had talked to you, wouldn't you?

Ms. WICKS. Well, I have so many meetings in a day, I don't recall sitting down face to face with them at the time we submitted the budget, but I do recall face to faces prior to that.

Senator DEWINE. Do you recall talking to them on the phone?

Ms. WICKS. Absolutely.

Senator DEWINE. What were they interested in?

Ms. WICKS. They were interested in more detailed plans and reports on the facilities issues. We had several telephone conversations in October trying to appeal the President's budget and talking through what we felt were priority issues for the year for reconsideration on appeal. Our focus was security issues, facility issues primarily, for the courthouse. We sent over security studies, the U.S. Marshals Service had done surveys and studies of our building because they provide primary security in the building. And we provided as much information as we could—we sent over a box of reports and information during the appeal process. We tried to talk through with them what we felt about the importance of the issues.

And we actually, I recall being advised by them that the Courts should consider themselves lucky because we did get a slight increase in the President's budget compared to the 2003 level, where

other agencies got nothing or got cut, so that was their response to us.

Senator DEWINE. Well, as I said, Judge, I'm interested in getting from you a summary, at least, of where you would make your cuts in regard to your proposal versus the President's funding level.

Chief Judge WAGNER. We will submit that for you, Mr. Chairman.

[The information follows:]

D.C. COURTS CAPITAL REQUEST, FISCAL YEAR 2004—PRELIMINARY ADJUSTMENTS FROM COURTS' REQUEST TO PRESIDENT'S RECOMMENDATION

	Courts' Request	Preliminary Adjustments	President's Recommendation
Courtrooms and Judges Chambers	\$1,950,000		\$1,950,000
HVAC, Electrical and Plumbing Upgrades	16,220,000	(\$7,450,000)	8,770,000
Restoration of Old Courthouse at 451 Indiana Avenue	4,519,000		4,519,000
Restroom Improvements	1,100,000		1,100,000
Elevator and Escalator	2,000,000	(1,000,000)	1,000,000
Fire and Security Alarm Systems	6,500,000	(6,500,000)	
General Repair Projects	7,740,000		7,740,000
Moultrie Courthouse Expansion	1,200,000	(1,200,000)	
Master Plan Implementation—Development Studies	550,000		550,000
Integrated Justice Information System	11,110,000	(5,088,000)	6,022,000
Total	52,889,000	(21,238,000)	31,651,000

COMPARISON OF COURTHOUSE CONSTRUCTION PLANS

Senator DEWINE. Thank you. Mr. Nelson, let me ask you, if you look at construction plans for the Courts in the District of Columbia, how does that compare with the courthouse construction plans in other States or other cities? Is that possible to compare them? I know this is kind of maybe in some respects more complex, at least to me it looks complex.

Mr. NELSON. That's a good question, and it depends how complex the courts projects are, but in the size that we're dealing with, a design time frame for court projects usually is about 14 to 18 months, and then construction depending on the size, is about 24 months to 36 months, 2 years to 3 years for construction.

This is complex for the Moultrie Courthouse because of the additions that we're doing. You have an occupied building that we will be dealing with. We tried to work on the schedules for the projects so we could fine tune them where we get them done as quickly as we could, because they were stressing the need that they needed for the project, and I think we have a realistic schedule for the design for the Old D.C. Courthouse and for the Moultrie Courthouse.

PHASING OF CONSTRUCTION FUNDS

Senator DEWINE. So the summary, though, would be what? This doesn't look out of the ordinary?

Mr. NELSON. No, it does not look out of the ordinary. For the renovation work for D.C. Courts, it looks like it fits in line with what we would be doing for a renovation projects. And then for the additions that we're doing for Moultrie, they look in line with the time frame for other projects.

Senator DEWINE. This looks like a big chunk in one year. Why is that? Why is there such a big chunk in 2005? Can that be dealt with in some other way or is that just the way, is that the way that it's preferred to deal with? Explain that to me. Who prefers to deal with it that way, is that the courts or is that you?

Mr. NELSON. I think it's how the master plan has been laid out.

Senator DEWINE. But why was it laid out that way, is my question. Whose preference is it?

Mr. NELSON. Well, it's the Courts' preference for how they're going to be moving people while the renovation gets completed, and then when the work gets done in Moultrie Courthouse, so there is a domino effect between those two buildings for moving people around.

Senator DEWINE. Maybe I wasn't clear. Could you spread that money out over time, is my question. For budget purposes, could you spread that out?

Mr. NELSON. For awarding construction projects, you have to have all your construction funds in the fiscal year that you make the award. And right now, both of those projects are scheduled.

Senator DEWINE. Is that your rule?

Mr. NELSON. It is a requirement in OMB Circular A-11, instructions for preparing the budget.

Senator DEWINE. OMB's rule.

So that's what we're dealing with?

Mr. NELSON. Yes.

Senator DEWINE. So you have to have funds before you start the project?

Mr. NELSON. Yes.

Senator DEWINE. That's not your problem, it's our problem.

Mr. NELSON. Yes.

Senator DEWINE. And then they have to live with that basically.

Mr. NELSON. Yes.

Senator DEWINE. All right, thank you all very much. Does anybody have any other comments? Judge Wagner.

Chief Judge WAGNER. I just want to thank you again for your support, for holding this hearing, for working with us on this, and we will try to work on that other branch to get help.

SUBCOMMITTEE RECESS

Senator DEWINE. Well, you work on them. Go sell.

Mr. NELSON. Thank you.

Senator DEWINE. Thank you all very much.

[Whereupon, at 10:50 a.m., Wednesday, April 30, the subcommittee was recessed, to reconvene subject to the call of the Chair.]